

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|---------------------------|---|--------------------------------|
| WYETH, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No.: 06-222 (JJF) |
| v. |) | |
| |) | |
| IMPAX LABORATORIES, INC., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

**SUPPLEMENTAL STIPULATION TO THE ORDER
REGARDING THE PRODUCTION OF DOCUMENTS
BY ALZA CORPORATION IN RESPONSE TO SUBPOENA**

WHEREAS, on April 4, 2007, the Court entered a Stipulated Protective Order Regarding the Production of Documents By Alza Corporation In Response to Subpoena (the “Alza Protective Order”)(D.I. 131); and

WHEREAS, attorneys from the firm Keker and Van Nest, LLP have appeared as counsel for Defendant Impax Laboratories, Inc.; and

WHEREAS, attorneys from the firm Heller Ehrman, LLP no longer appear in the above captioned case for Defendant Impax Laboratories, Inc.;

WHEREAS, Defendant Impax Laboratories, Inc., on August 21, 2007, served Third-Party Alza Corporation (“Alza”) with a subpoena for deposition pursuant to Federal Rule of Civil Procedure 30(b)(6); and

WHEREAS, Plaintiff Wyeth on October 1, 2007, also served Third-Party Alza with a subpoena for deposition pursuant to Federal Rule of Civil Procedure 30(b)(6);

IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO THE APPROVAL AND ORDER OF THE COURT THAT:

Section 4(a) of the Alza Protective Order shall hereby include Keker & Van Nest, LLP, and exclude Heller Ehrman, LLP;

All provisions of the Alza Protective Order that refer to documents produced by Alza are equally applicable to deposition testimony by any Alza deponent;

All provisions of the Alza Protective Order regarding designation procedure are equally applicable to deposition testimony by any Alza deponent (Alza Protective Order, sections 1-3);

All of the provisions regarding access to Alza deposition testimony designated as “Highly Confidential” is restricted to the Qualified Persons as set forth in Section 4 of the Alza Protective Order;

All provisions of the Alza Protective Order regarding Inadvertent Production/Use of Confidential Information and Changes in Designation (Alza Protective Order, sections 6-8) are equally applicable to deposition testimony by any Alza deponent;

All provisions of the Alza Protective Order regarding Inadvertent Production/Use of Privileged Information (Alza Protective Order, section 9) are equally applicable to deposition testimony by any Alza deponent;

All provisions of the Alza Protective Order regarding Alza's Disclosure of Information of Third Parties Pursuant to the Subpoena (Alza Protective Order, sections 10 and 11) are equally applicable to deposition testimony by any Alza deponent;

All provisions of the Alza Protective Order regarding Use of Highly Confidential Information in Filings and in Open Court (Alza Protective Order, sections 12-15) are equally applicable to deposition testimony by any Alza deponent;

All provisions of the Alza Protective Order regarding Disposition of Confidential Materials Upon Conclusion of Proceeding (Alza Protective Order, section 16) are equally applicable to deposition testimony by any Alza deponent;

All provisions of the Alza Protective Order regarding Miscellaneous Provisions (Alza Protective Order, sections 17-24) are equally applicable to deposition testimony by any Alza deponent.

/s/ Karen Jacobs Louden

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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: _____

The Honorable Joseph J. Farnan, Jr.
UNITED STATES DISTRICT JUDGE